



SENT VIA E-MAIL

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State Water Resources Control Board  
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Re: **Workshop 2: Independent Expert Panel Values San Joaquin River Water**

Dear Members of the Board:

On October 1st and 2nd, the State Water Resources Control Board ("State Water Board") held workshops entitled Bay-Delta Fishery Resources ("Workshop 2"). At Workshop 2, the invited expert panel ("IEP") presented science on nutrient ratios and the food web. In this presentation, the IEP opined increased nutrient rich waters were needed to support the Delta food web. The IEP further stated that compared to the Sacramento River, the San Joaquin River water is generally nutrient rich. (*State Water Board Bay-Delta Independent Science Panel #2: Fishery Resources*, at 12.)

The San Joaquin Tributaries Authority ("SJTA") found this presentation ironic; the nutrient rich nature of the San Joaquin River has previously been the source of regulation by the Regional Water Quality Control Board ("Regional Board") in an effort to reduce the nutrients in the San Joaquin River. Specifically, the Stockton Deepwater Ship Channel Dissolved Oxygen TMDL (California Regional Water Quality Control Board Resolution No. R5-2005-0005) regulates, among other things, nutrients such as "non-point sources of algae and/or precursors." It appears the Regional Board's regulation may be counterproductive by eliminating important nutrients and undermining the food web.

The SJTA recommends that the State Water Board should provide the information presented by the IEP to the Central Valley Regional Board and request it consider amending the water quality regulations currently imposed upon the San Joaquin River.

In addition to the irony, the IEP presentation was premised on the incorrect assumption that San Joaquin River water would contribute to improving food web issues in and beyond the Delta. This is not the case; the vast majority of San Joaquin River water is diverted by the state and federal export pumps before the water is able to get through the Delta. The SJTA has presented a study showing that 98 percent of San Joaquin River water is diverted by in-Delta diversions, including the export pumping facilities. (Susan Paulsen, 2006.) Thus, regardless of flow releases or the quality of the water, very little San Joaquin River water ever makes it through the Delta.

Very truly yours,

**O'LAUGHLIN & PARIS LLP**



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VCK/tlb

cc: San Joaquin Tributaries Authority